

BINGHAM McCUTCHEN

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OCT 15 2004

DATE October 15, 2004

Bingham McCutchen LLP
 1900 University Avenue
 East Palo Alto, CA
 94303-2223

650.849.4400
 650.849.4800 fax

bingham.com

Boston
 Hartford
 London
 Los Angeles
 New York
 Orange County
 San Francisco
 Silicon Valley
 Tokyo
 Walnut Creek
 Washington

	NAME	FAX	PHONE
TO	Examiner Pablo N. Tran GAU 2685 Commissioner for Patents USPTO	(703) 872-9314	(703) 308-7941
FROM	Janet D. Chance janet.chance@bingham.com	(650) 849-4800	(650) 849-4904
PAGES	(INCLUDING THIS COVER PAGE): 21		
RE	Amendment and Response to Office Action for U.S. Application Serial No. 08/891,301		

MESSAGE

This facsimile consists of the following:

This Fax Cover Sheet (1 pg.);
 Fax Transmission Report dated 5/26/04 indicating 19 pgs. sent OK (1 pg.);
 Fax Cover Sheet with Certificate of Transmission to
 Examiner Pablo N. Tran dated 5/26/04 (1 pg.);
 Transmittal Form (1 pg.);
 Fee Transmittal (1 pg.);
 Petition for Extension of Time (1 pg.); and
 Amendment and Response to Office Action (15 pgs.).

Dear Examiner Tran:

Attached is a duplicate copy of the Amendment and Response to Office Action together with the accompanying transmittal documents that was fax filed on May 26, 2004. Please feel free to contact me if you require additional information. Thank you.

Janet D. Chance

For transmission problems, please call (650) 849-4825

The information in this transmittal (including attachments, if any) is privileged and confidential and is intended only for the recipient(s) listed above. If you are neither the intended recipient(s) nor a person responsible for the delivery of this transmittal to the intended recipient(s), you are hereby notified that any unauthorized reading, distribution, copying or disclosure of this transmittal is prohibited. If you have received this transmittal in error, please notify us immediately at (same telephone number as in first paragraph - will duplicate) and return the transmittal to the sender. Thank you.

Timekeeper No:	23257	Client/Matter No:	2021039	DATE/TIME STAMP
Client/Matter Name:	7011242001			
Return To:	Linda Major		Floor No:	

PA/52144155.1/2021039-7011242001

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO 4840
CONNECTION TEL #7011242001#17037465984#
CONNECTION ID
ST. TIME 05/26 13:44
USAGE T 05'13
PGS. SENT 19
RESULT OK

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DATE May 26, 2004

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Walnut Creek
Washington

	NAME	FAX	PHONE
TO	Examiner Pablo N. Tran Group Art Unit 2685 Commissioner for Patents USPTO	(703) 746-5984	(703) 308-7941

FROM Jeffrey Smith (650) 849-4800 (650) 849-4422
jeffrey.smith@bingham.com

PAGES (INCLUDING THIS COVER PAGE): 19

RE Amendment and Response to Office Action for
U.S. Application Serial No. 08/891,301

MESSAGE

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Amendment and Response to Office Action (15 pgs.).

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TO	NAME	FAX	PHONE
	Examiner Pablo N. Tran Group Art Unit 2685 Commissioner for Patents USPTO	(703) 746-5984	(703) 308-7941

FROM Jeffrey Smith (650) 849-4800 (650) 849-4422
 jeffrey.smith@bingham.com

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RE Amendment and Response to Office Action for
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Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence as well as the enclosures listed above are being facsimile transmitted to Commissioner for Patents, USPTO, to the attention of Examiner Pablo N. Tran, facsimile number (703) 746-5984, on the date indicated below:

Dated: May 26, 2004

Signature:

Linda Major

For transmission problems, please call (650) 849-4825
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Timekeeper No:	23257	Client/Matter No:	2021039	DATE/TIME STAMP
Client/Matter Name:	7011242001			
Return To:	Linda Major		Floor No:	

PA/52134847.1

PTO/SB/21 (08-03)

Approved for use through 07/31/2008. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number	08/891,301
		Filing Date	July 10, 1997
		First Named Inventor	Kenneth Harenstein et al.
		Art Unit	2685
		Examiner Name	Pablo N. Tran
Total Number of Pages in This Submission		Attorney Docket Number	224/183; OI7011242001

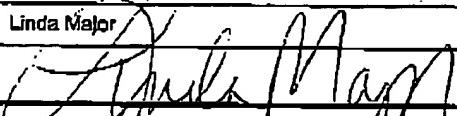
ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <div style="border: 1px solid black; padding: 2px;">Remarks</div>	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i> Facsimile Cover Sheet

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Bingham McCutchen LLP		
Signature			
Date	May 26, 2004		

CERTIFICATE OF TRANSMISSION under 37 CFR 1.8

I hereby certify that this correspondence as well as the enclosures are being facsimile transmitted to the Commissioner for Patents, USPTO, to the attention of Examiner Pablo N. Tran, facsimile no. (703) 746-5984, on the date shown below.

Typed or printed name	Linda Major		
Signature		Date	May 26, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 420)

METHOD OF PAYMENT (check all that apply)

 Check Credit card Money Order Other None
 Deposit Account:

Deposit Account Number

50-2518

Deposit Account Name

Bingham McCutchen LLP

The Director is authorized to: (check all that apply)

-
- Charge fee(s) indicated below
-
- Credit any overpayments
-
-
- Charge any additional fee(s) during the pendency of this application
-
-
- Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity
--------------	--------------

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	770	2001	385	Utility filing fee	
1002	540	2002	170	Design filing fee	
1003	630	2003	265	Plant filing fee	
1004	770	2004	385	Release filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1)

(\$ 0)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

		Extra Claims	Fee from below	Fee Paid
Total Claims	52	-54 =	0 X 18 =	0
Independent Claims	2	-4 =	0 X 43 =	0
Multiple Dependent			X =	0

Large Entity	Small Entity
--------------	--------------

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple dependent claim, if not paid	
1204	86	2204	43	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2)

(\$ 0)

*or number previously paid, if greater; For Reissues, see above

Complete if Known

Application Number	08/891,301
Filing Date	July 10, 1997
First Named Inventor	Kenneth Harrington et al.
Examiner Name	Pablo N. Tran
Art Unit	2685
Attorney Docket No.	224/163; OI7011242001

FEE CALCULATION (continued)

3. ADDITIONAL FEES

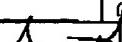
Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)
1051	130	2051	65
1052	50	2052	25
1053	130	1053	130
1812	2,520	1812	2,520
1804	920*	1804	920*
1805	1,840*	1805	1,840*
1251	110	2251	55
1252	420	2252	210
1253	950	2253	475
1254	1,480	2254	740
1255	2,010	2255	1,005
1401	330	2401	165
1402	330	2402	165
1403	290	2403	145
1451	1,510	1451	1,510
1452	110	2452	55
1453	1,330	2453	665
1501	1,330	2501	665
1502	480	2502	240
1503	640	2503	320
1460	130	1480	130
1807	50	1807	50
1806	180	1806	180
8021	40	8021	40
1809	770	2909	385
1810	770	2810	385
1601	770	2901	385
1802	900	1802	900
Other fee (specify)			

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 420)

SUBMITTED BY

Complete if applicable

Name (Print/Type)	Jeffrey Smith	Registration No. (Attorney/Agent)	39,377	Telephone	(650) 849-4422
Signature				Date	May 26, 2004

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